

**REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE**



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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WIRELESS TELECOMMUNICATIONS BUREAU  
PUBLIC SAFETY AND PRIVATE WIRELESS DIVISION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Washington, DC Metropolitan Area	)	
800 MHz Regional Public Safety Plan	)	GN Docket No. 90-7
(Region-20)	)	
	)	
Philadelphia Metropolitan Area	)	
800 MHz Regional Public Safety Plan	)	GN Docket No. 89-573
(Region-28)	)	✓

**WRITTEN EX PARTE PRESENTATION:  
MOTION TO DELETE -  
COMMONWEALTH OF PENNSYLVANIA OPPOSITION FILING OF 10/3/98**

Submitted by:

Region-20 Public Safety Review Committee  
Legislative/Regulatory Affairs Committee  
Dr. Michael C. Trahos, D.O., NCE, CET - Chairman  
4600 King Street, Suite 6K  
Alexandria, Virginia 22302-1249

November 3, 1998

**REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE**

Before the  
Federal Communications Commission  
Wireless Telecommunications Bureau  
Public Safety and Private Wireless Division  
Washington, D.C. 20554

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4600 King Street, Suite 6K  
Alexandria, Virginia 22302-1249

November 3, 1998

**I. INTRODUCTION**

1. Before the Federal Communications Commission (Commission) is submitted, pursuant to 47 CFR 1.229(a) of the rules<sup>1</sup>, this **MOTION TO DELETE (MOTION)** the

<sup>1</sup> **47CFR 1.229(a)**. Note: As no final Memorandum Opinion and Order has yet been issued by the Commission in this proceeding, the 15 day filing limitation is not applicable.

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Commonwealth of Pennsylvania (Pennsylvania) opposition filing of September 3, 1998<sup>2</sup> from the GN Docket No. 90-7 & 89-573 proceeding.

**II. RESPONSE STATEMENT**

2. On September 3, 1998, Pennsylvania filed opposition comments to the Region-20 Written Ex Parte Presentation<sup>3</sup> of August 21, 1998. Pennsylvania argued that the Commission should not issue a *Memorandum Opinion and Order* removing the contingencies against the final approval of the Region-20 Plan amendments, as specified in the conditional acceptance **ORDER**<sup>4</sup> of December 9, 1996, until the issues concerning the license authorizations of Carroll County, Maryland (Carroll County) are first resolved.

3. On September 28, 1998, the Commonwealth of Pennsylvania filed a *Petition For Revocation Or, In The Alternative, For Modification Of Licenses (Petition)*<sup>5</sup> against Carroll County license authorizations WPIQ515 and WPIU695. Pennsylvania noted in its *Petition* that, “[f]or the the reasons set forth in the Commonwealth’s September 3, 1998 Opposition in that proceeding, the Commonwealth now files this formal petition seeking the initiation of revocation

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<sup>2</sup> **COMMONWEALTH OF PENNSYLVANIA OPPOSITION TO WRITTEN EX PARTE PRESENTATION: RESPONSE STATEMENT**, GN Dockets Nos. 90-7 & 89-573, September 3, 1998

<sup>3</sup> **WRITTEN EX PARTE PRESENTATION: RESPONSE STATEMENT**, GN Dockets 90-7 & 89-573, August 21, 1998.

<sup>4</sup> **ORDER**, GN Docket Nos. 90-7 & 89-573, DA 96-2066, December 9, 1996, Paragraphs 10 (a) and 11.

<sup>5</sup> **PETITION FOR REVOCATION OR, IN THE ALTERNATIVE, FOR MODIFICATION OF LICENSES**, File Nos. 9709A007774 & 9709A007775, September 28, 1998.

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proceedings for the County's licenses or, alternatively, modification of those licenses."<sup>6</sup> (Emphasis added) Furthermore, "[i]n support of its request, the Commonwealth attaches a copy of the Opposition filed in GN Dockets Nos. 90-7 and 89-573 and hereby incorporates by reference the facts and arguments set forth therein."<sup>7</sup>

4. Pennsylvania's filing of this formal *Petition*, requesting that the Commission initiate a new proceeding concerning the issues of the Carroll County license authorizations, constitutes a change in the legal *venue* concerning this matter. Pennsylvania's further notation that its Opposition filing of September 28, 1998 constitute the facts and arguments for the *Petition* implies that said Opposition filing is to be used by Commission as the legal grounds to initiate this new proceeding.

5. As a result of this *Petition*, there no longer exists a need for the Commission to address the issue of Carroll County's 800 MHz license authorizations within the GN Dockets Nos. 90-7 and 89-573 proceeding. This matter should correctly be addressed in a separate proceeding as now requested by Pennsylvania.

**III.**

**CONCLUSION**

6. Pennsylvania's filing of this *Petition* constitutes a legal request for *Change in Venue* of its objections to Carroll County's 800 MHz license authorizations. As a result of this *Petition*, Region-20 hereby files this **MOTION TO DELETE** the Opposition filing of

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<sup>6</sup> Ibid., at Page 2.

<sup>7</sup> Ibid.

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Pennsylvania from the GN Dockets Nos. 90-7 and 89-573 proceeding, thereby removing the only known remaining objection to the removal of the contingencies against the final approval of the Region-20 Plan amendments, as specified in the conditional acceptance **ORDER**.

7. With the submission of this **MOTION, REPLY COMMENTS** of September 18, 1998, **RESPONSE STATEMENT** of August 21, 1998 and the **EX PARTE PRESENTATION** of January 30, 1997, Region-20 hereby fulfills the requirements of the conditional acceptance **ORDER**.

8. Region-20 requests Commission issuance of an unconditional **MEMORANDUM OPINION AND ORDER** acknowledging the acceptance of the Region-20 filings and the removal of all contingencies from the **ORDER** of December 9, 1996.

9. Upon Commission issuance of an unconditional **MEMORANDUM OPINION AND ORDER**, the Region-20 RPRC shall hereby incorporate these mutually agreed upon *inter-regional* coordination procedures by substitution of Section 32, in its entirety thereof, of the Region-20 Plan with the **RESPONSE STATEMENT** of August 21, 1998.

10. Additionally and only upon issuance of an unconditional **MEMORANDUM OPINION AND ORDER**, it is requested by Region-20 that the **PETITION FOR EMERGENCY DECLARATORY RULING**<sup>8</sup>, filed against Region-28, be withdrawn without prejudice.

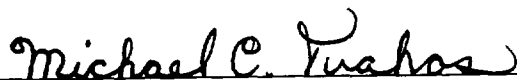
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<sup>8</sup> **PETITION FOR EMERGENCY DECLARATORY RULING**, GN Docket No. 89-573, Region-20 Public Safety Review Committee, Legislative/Regulatory Affairs Committee, December 12, 1996.

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11. Commission issuance of an unconditional **MEMORANDUM OPINION AND ORDER** in this matter is appreciated by Regions-20 and its constituents, and is in the **public interest**.

Respectfully submitted,



Dr. Michael C. Trahos, D.O., NCE, CET  
Chairman - Region-20 Public Safety RPRC  
Legislative/Regulatory Affairs Committee

MCT/mct

**REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE**

**IV.**

**CERTIFICATE OF SERVICE**

I, Dr. Michael C. Trahos, do hereby certify that a copy of this **WRITTEN EX PARTE PRESENTATION** was sent by First Class United States Mail to the parties listed below on the day and date first aforementioned.

- (1) Ms. Magalie R. Salas - Secretary  
Federal Communications Commission  
1919 M. Street, N.W. - Room 222  
Washington, DC 20554
- (2) D'wana R. Terry - Chief  
Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M. Street, N.W. - Room 8010  
Washington, DC 20554
- (3) Mr. John Clark - Deputy Chief  
Public Safety and Private Wireless Division  
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Federal Communications Commission  
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- (4) Ms. Kathryn Hosford  
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**REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE**

- (6) Mr. Steve H. Souder - Chairman  
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- (7) Mr. Alan T. Kealey - Vice-Chairman  
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- (10) Mr. Norman R. Coltri, P.E. - Vice-Chairman  
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- (11) Mr. Don Appleby - Project Manager  
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- (13) Mr. M. Jay Groce, III - Deputy Director  
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- (14) Mr. Frank W. Stoda - Senior Engineer  
Radio Engineering and Services Branch  
Network Services Division  
Department of Information Technology  
County of Fairfax (VA)  
3613 Jermantown Road  
Fairfax, VA 22030
- (15) Col. Carl A. Williams - Superintendent  
New Jersey State Police  
P.O. Box 7068  
West Trenton, NJ 08628
- (16) Mr. Ali Shahnami  
APCO AFC, Inc.  
2040 South Ridgewood Avenue  
South Daytona, FL 32119

Respectfully,

  
Dr. Michael C. Trahos, D.O., NCE, CET  
Chairman - Region-20 Public Safety RPRC  
Legislative/Regulatory Affairs Committee

MCT/mct